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### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SERVICE PROVIDER SIDE INTERACTIVE PROGRAM GUIDE ENCODER** the specification of which \_\_\_\_ is attached hereto or X was filed on November 1, 1999 as Application No. 09/431,330 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/201,528	November 30, 1998	Pending
09/359,561	July 22, 1999	Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

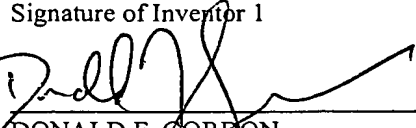
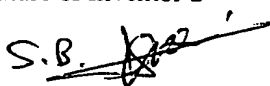

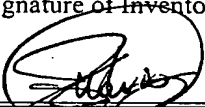

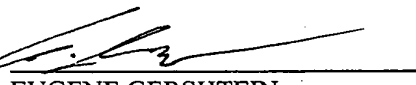
James K. Okamoto, Reg. No. 40,110  
William L. Shaffer, Reg. No. 37,234

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Send Correspondence to: <b>James K. Okamoto</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111-3834	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: James K. Okamoto Reg. No.: 40,110 Telephone: 650-326-2400
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Full Name of Inventor 3:	Last Name: <b>WILD</b>	First Name: <b>JOSEPH</b>	Middle Name or Initial: <b>R.</b>	
Residence & Citizenship:	City: <b>Santa Clara</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
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Full Name of Inventor 4:	Last Name: <b>EDMONDS</b>	First Name: <b>JEREMY</b>	Middle Name or Initial: <b>S.</b>	
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Full Name of Inventor 5:	Last Name: <b>LUDVIG</b>	First Name: <b>EDWARD</b>	Middle Name or Initial: <b>A.</b>	
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Post Office Address:	Post Office Address: <b>831 Canyon Road</b>	City: <b>Redwood City</b>	State/Country: <b>California</b>	Postal Code: <b>94062</b>
Full Name of Inventor 6:	Last Name: <b>COMITO</b>	First Name: <b>JOHN</b>	Middle Name or Initial: <b>P.</b>	
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Post Office Address:	Post Office Address: <b>907 Pleasant Hill Road</b>	City: <b>Redwood City</b>	State/Country: <b>California</b>	Postal Code: <b>94061</b>
Full Name of Inventor 7:	Last Name: <b>GERSHTEIN</b>	First Name: <b>EUGENE</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Redwood Shores</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>401B Cork Harbour Circle</b>	City: <b>Redwood Shores</b>	State/Country: <b>California</b>	Postal Code: <b>94065</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  DONALD F. GORDON	Signature of Inventor 2  SADIK BAYRAKERI	Signature of Inventor 3  JOSEPH R. WILD
Date 2/1/00	Date 2/2/00	Date
Signature of Inventor 4  JEREMY S. EDMONDS	Signature of Inventor 5  EDWARD A. LUDVIG	Signature of Inventor 6  JOHN P. COMITO
Date 2/2/00	Date 02/02/00	Date 2/2/00
Signature of Inventor 7  EUGENE GERSHTEIN		
Date 2/1/00		



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Paper No. 8

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SAN FRANCISCO, CA 94111-3834

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APR 23 2001

In re Application of  
Donald F. Gordon, Sadik Bayrakeri, Joseph  
R. Wild, Jeremy S. Edmonds, Edward A.  
Ludvig, John P. Comito and Eugene  
Gershtein  
Application No. 09/431,330  
Filed: November 1, 1999  
Title: SERVICE PROVIDER SIDE  
INTERACTIVE PROGRAM  
GUIDE ENCODER

OFFICE OF PETITIONS  
A/C PETENTS

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:  
:  
:

This is in response to the renewed "Petition Under 37 CFR 1.47(a)," filed  
February 28, 2001.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the  
filing of the above-identified application.

The above-identified application and papers have been reviewed and found in  
compliance with 37 CFR 1.47(a). This application is hereby accorded Rule  
1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of  
this application's filing to the non-signing inventor at the address given in the  
Declaration. Notice of the filing of this application will also be published in the  
Official Gazette.

The \$130.00 petition fee submitted with the "Request for Reconsideration of  
Petition Filed Under 37 CFR 1.47(a)" on February 28, 2001 is unnecessary and  
will be credited to petitioner's deposit account no. 20-1430.

The file is being forwarded to the Office of Initial Patent Examination for further  
processing.

Telephone inquiries regarding this decision should be directed to the  
undersigned at (703) 306-9200.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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**APR 23 2001**

**OFFICE OF PETITIONS  
A/C PATENTS**

JOSEPH R. WILD  
1510 VISTA CLUB CIRCLE, #103  
SANTA CLARA, CA 95054

In re Application of  
Donald F. Gordon, Sadik Bayrakeri, Joseph R. Wild, Jeremy S. Edmonds,  
Edward A. Ludvig, John P. Comito and Eugene Gershtein  
Application No. 09/431,330  
Filed: November 1, 1999  
Title: SERVICE PROVIDER SIDE INTERACTIVE PROGRAM GUIDE ENCODER

Dear JOSEPH R. WILD:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 306-9200. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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